

EXHIBIT O

David Roy Southwell - 3/28/2019

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA</p> <p>RYSTA LEONA SUSMAN, both individually and as Legal Guardian of SHANE ALLEN LOVELAND, et al., Plaintiffs,</p> <p style="text-align: right;">Case No. 8:18-cv-00127</p> <p>v. THE GOODYEAR TIRE & RUBBER COMPANY,</p> <p style="text-align: center;">Defendant.</p> <hr style="width: 20%; margin: 20px auto;"/> <p style="text-align: center;">DEPOSITION OF DAVID ROY SOUTHWELL</p> <p style="text-align: center;">March 28, 2019</p> <p style="text-align: center;">9:00 a.m.</p> <p style="text-align: center;">Colville & Dippel 1309 E. Broadway Boulevard Tucson, Arizona 85719</p> <p>EPIQ COURT REPORTING 240 West 35th Street 8th Floor New York, New York 10001 (212) 557-7400 Prepared by: Sandra Marruffo, R.P.R., AZ C.R. 50815</p>	<p style="text-align: center;">3</p> <p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 WITNESS: DAVID ROY SOUTHWELL</p> <p>4</p> <p>5 EXAMINATION PAGE</p> <p>6 By Mr. Bott 5, 184</p> <p>7 By Mr. Farrar 179</p> <p>8</p> <p>9</p> <p>10 INDEX TO EXHIBITS</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12 EXHIBIT 1 Handwritten notes by David Southwell 8 in preparation for deposition</p> <p>13</p> <p>14 EXHIBIT 2 Images attached to David Southwell's 86 report, photographs and X-rays</p> <p>15 EXHIBIT 3 Diagram of tire drawn by David 122 Southwell</p> <p>16</p> <p>17 EXHIBIT 4 Photos 128</p> <p>18</p> <p>19 EXHIBIT 5 Photos of left rear tire 128</p> <p>20</p> <p>21 EXHIBIT 6 Photos of left front tire 128</p> <p>22</p> <p>23 EXHIBIT 7 David Southwell's Curriculum Vitae 176</p> <p>24</p> <p>25 EXHIBIT 8 David Southwell's Case List 176</p>
<p style="text-align: center;">2</p> <p>1 The deposition of DAVID ROY SOUTHWELL, 2 noticed by Edward S. Bott, Jr., was taken on March 28, 3 2019, from 9:00 a.m. to 2:33 p.m., at the Offices of 4 Colville & Dippel, 1309 E. Broadway Boulevard, 5 Tucson, Arizona, 85719, before Sandra Marruffo, Arizona 6 certified reporter No. 50815.</p> <p>7</p> <p>8 APPEARANCES OF COUNSEL</p> <p>9</p> <p>10 Attorneys for The Goodyear Tire & Rubber Company:</p> <p>11 GREENSFELDER, HEMKER & GALE, P.C.</p> <p>12 BY: Edward S. Bott, Jr.</p> <p>13 10 South Broadway</p> <p>14 Suite 2000</p> <p>15 St. Louis, MO 63102</p> <p>16 (314) 241-9090</p> <p>17 esb@greensfelder.com</p> <p>18</p> <p>19 Attorneys for the Plaintiffs:</p> <p>20 KASTER, LYNCH, FARRAR & BALL, LLP</p> <p>21 BY: Kyle W. Farrar</p> <p>22 1010 Lamar</p> <p>23 Suite 1600</p> <p>24 Houston, TX 77002</p> <p>25 kyle@fbtrial.com</p> <p>ALSO PRESENT: Christian Teare, Videographer</p>	<p style="text-align: center;">4</p> <p>1 TRANSCRIPT OF DEPOSITION</p> <p>2 * * *</p> <p>3 THE VIDEOGRAPHER: Good morning. We are</p> <p>4 on the record. This is Disk No. 1 in the deposition of</p> <p>5 David Southwell taken in the matter of Susman, et al.,</p> <p>6 versus Goodyear Tire & Rubber Company. It's in the</p> <p>7 U.S. District Court, District of Nebraska. It's</p> <p>8 Case 8:18-cv-00127. Today's date is Thursday,</p> <p>9 March 28th, 2019, and the time is 9:00 a.m.</p> <p>10 My name's Christian Teare, a legal video</p> <p>11 specialist with Epiq Court Reporting.</p> <p>12 This deposition is taking place at</p> <p>13 1309 East Broadway Boulevard in Tucson, Arizona.</p> <p>14 The certified shorthand reporter is Sandy</p> <p>15 Marruffo with Epiq Court Reporting located at 311 South</p> <p>16 Wacker Drive, Suite 350, in Chicago, Illinois.</p> <p>17 If Counsel would please state their</p> <p>18 appearances, the reporter will swear in the witness.</p> <p>19 MR. FARRAR: Kyle Farrar for the</p> <p>20 plaintiffs.</p> <p>21 MR. BOTT: Ed Bott for Goodyear.</p> <p>22 * * *</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">53</p> <p>1 would say it did not meet the state of the art?</p> <p>2 A. Yes.</p> <p>3 Q. And so, then, if -- if there was any tire, Load</p> <p>4 Range E tire manufactured and sold here in North America</p> <p>5 in 1994 that was not equipped with a nylon overlay, would</p> <p>6 that tire, in your judgment, be unreasonably dangerous?</p> <p>7 A. No, not necessarily.</p> <p>8 Q. Okay. So you can have a Load Range E tire</p> <p>9 without a nylon overlay, and that tire can still be</p> <p>10 reasonably safe, true?</p> <p>11 A. Subject to all the other parameters of the</p> <p>12 tire, yes.</p> <p>13 Q. What does that mean, "subject to all the other</p> <p>14 parameters of the tire"?</p> <p>15 A. Well, nylon overlay will, as I've said,</p> <p>16 dramatically reduce the incidence of belt separations in</p> <p>17 the population of tires. That doesn't mean that every</p> <p>18 population of tires without a nylon overlay is going to</p> <p>19 have a high incidence of separation, because there are</p> <p>20 other parameters in the -- in the design of the tire</p> <p>21 that -- that will affect its susceptibility to -- to belt</p> <p>22 failures.</p> <p>23 Q. Okay. So we agree, though, that depending upon</p> <p>24 the other design and manufacturing parameters of the</p> <p>25 tire, a Load Range E tire, that the absence of a nylon</p>	<p style="text-align: right;">55</p> <p>1 Q. How do you know that?</p> <p>2 A. Well, because it's a destructive test, so it</p> <p>3 would never have made it into the market if it had been</p> <p>4 tested.</p> <p>5 Q. So do you know whether or not the -- the -- the</p> <p>6 tire overall, this model tire, as designed and</p> <p>7 manufactured by Goodyear, did it meet Federal Motor</p> <p>8 Vehicle Safety Standards?</p> <p>9 A. Well, the design of one tire would have -- you</p> <p>10 know, the design -- the performance of one tire of that</p> <p>11 design would have met it.</p> <p>12 Q. Because had it not met -- had it -- had the</p> <p>13 Goodyear testing of this tire, however many tests they</p> <p>14 did, not passed the Federal Motor Vehicle Safety Standard</p> <p>15 testing, then it would not have been fit for use?</p> <p>16 A. The design of the tire, yes.</p> <p>17 Q. Okay. I understand you're not talking about</p> <p>18 this individual tire or -- I get that.</p> <p>19 A. Uh-huh.</p> <p>20 Q. I'm just talking about the -- the design of the</p> <p>21 tire, as tested, would have had to have passed FMVSS?</p> <p>22 A. FM- -- it would have -- FMVSS is a very</p> <p>23 short-term, you know, test. It doesn't -- it doesn't</p> <p>24 purport to test or represent the long-term durability of</p> <p>25 tires in the market.</p>
<p style="text-align: right;">54</p> <p>1 overlay does not, by definition, make that tire</p> <p>2 unreasonably dangerous? Will you agree with that?</p> <p>3 A. Yeah, I think that's reasonable.</p> <p>4 Q. Okay. Did this tire comply with all industry</p> <p>5 standards?</p> <p>6 MR. FARRAR: Object to form.</p> <p>7 THE WITNESS: I need you to define</p> <p>8 "industry standards."</p> <p>9 Q. BY MR. BOTT: Well, you had a definition for</p> <p>10 "state of the art." Do you have a definition for</p> <p>11 "industry standards"?</p> <p>12 A. It's your question.</p> <p>13 Q. It is, yeah. I'm asking, do you have a</p> <p>14 definition for it?</p> <p>15 A. The industry standard is to design and sell a</p> <p>16 tire that is safe and will maintain integrity until the</p> <p>17 tread wears out. That's the industry standard.</p> <p>18 Q. All right.</p> <p>19 A. That tire did not meet the industry standard.</p> <p>20 Q. Now, there are Federal Motor Vehicle Safety</p> <p>21 Standards, correct?</p> <p>22 A. There are.</p> <p>23 Q. To your knowledge, did this tire meet those</p> <p>24 Federal Motor Vehicle Safety Standards?</p> <p>25 A. Nobody tested it.</p>	<p style="text-align: right;">56</p> <p>1 Q. Using that FMVSS standard as an example, are</p> <p>2 you aware of any written standard by anybody that this</p> <p>3 tire failed, this model tire?</p> <p>4 A. A written standard?</p> <p>5 MR. FARRAR: Object to form.</p> <p>6 THE WITNESS: There's certainly plenty of</p> <p>7 published material that reflects the standard to which</p> <p>8 tire manufacturers hold themselves, which is that a tire</p> <p>9 should not fall apart before it wears out, and it failed</p> <p>10 that standard.</p> <p>11 Q. BY MR. BOTT: Okay. Any other standard?</p> <p>12 A. No.</p> <p>13 Q. Okay. With regard to service and maintenance</p> <p>14 of tires, I assume you agree that the inflation pressure</p> <p>15 should be checked regularly?</p> <p>16 A. Yes.</p> <p>17 Q. It's important to keep the tire properly</p> <p>18 inflated?</p> <p>19 A. Yes.</p> <p>20 Q. Important to keep the tire so that it's not</p> <p>21 overloaded?</p> <p>22 A. Yes.</p> <p>23 Q. And you understand that in a construction</p> <p>24 setting like the Dandee Concrete Construction Company,</p> <p>25 where it's on work sites and perhaps more susceptible to</p>

14 (Pages 53 to 56)

1 CERTIFICATE OF REPORTER

2 STATE OF ARIZONA)
3) ss:
4 COUNTY OF PIMA)

5 I, Sandra Marruffo, a Certified Reporter in
6 the State of Arizona, do certify that the foregoing
7 deposition was taken March 28, 2019, before me in the
8 County of Pima, State of Arizona; that an oath or
9 affirmation was duly administered by me to the witness,
10 DAVID ROY SOUTHWELL, pursuant to A.R.S. 41-324(B); that
11 the proceedings were taken down by me in shorthand and
12 thereafter reduced to typewriting; that the transcript is
13 a full, true, and accurate record of the proceedings, all
14 done to the best of my skill and ability; that the
15 preparation, production and distribution of the
16 transcript and copies of the transcript comply with the
17 Arizona Revised Statutes and in ACJA 7-206(F)(3); ACJA
18 7-206 J(1)(g)(1) and (2); and ACJA 7-206 J(3)(b).

19 The witness herein, DAVID ROY SOUTHWELL, requested
20 transcript review and signature.

21 I FURTHER CERTIFY that I am in no way related
22 to any of the parties nor am I in any way interested in
23 the outcome hereof.

24 IN WITNESS WHEREOF, I have set my hand in my
25 office in the County of Pima, State of Arizona, this 5th
day of April 2019.

Sandra Marruffo

SANDRA MARRUFFO Arizona CR No. 50815